

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Robert Garcia,

Defendant.

ORDER

Crim. No. 10-275 (02) (MJD)

This matter is before the Court on the Defendant's *pro se* motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On February 16, 2011, a jury found the Defendant guilty of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846 as charged in Count 1 of the Indictment and of aiding and abetting possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2 as charged in Count 2 of the Indictment.

At the Defendant's sentencing hearing, the Court determined the applicable guideline range to be 360 months to life based on a total offense level 42 and a criminal history category III. The Court varied downward from the applicable range and sentenced the Defendant to a term of imprisonment of 240 months.

The Defendant seeks a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels by two levels applicable to certain drug offenses. If applied in this case, the amended guideline range would be based on a total offense level 40 and a criminal history category III, resulting in a range of 360 months to life. Because the guideline range did not change after application of the lower base offense level, the Defendant is not eligible for a sentence reduction.

IT IS HEREBY ORDERED that Defendant's Motion for Sentence Reduction [Doc. No. 242] is DENIED.

Date: December 13, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court